

AMENDED IN ASSEMBLY JULY 7, 1999

AMENDED IN SENATE MAY 28, 1999

AMENDED IN SENATE MAY 18, 1999

AMENDED IN SENATE MAY 6, 1999

AMENDED IN SENATE APRIL 21, 1999

SENATE BILL

No. 1217

Introduced by Senator ~~Polanco~~ Alarcon

February 26, 1999

~~An act to add Sections 381.5, 382.5, and 382.7 to, and to add Chapter 1.5 (commencing with Section 270) to Part 1 of Division 1 of, the Public Utilities Code, relating to public utilities. An act to add Section 709.9 to the Public Utilities Code, relating to telecommunications.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1217, as amended, ~~Polanco~~ Alarcon. ~~Public Utilities Commission: advisory boards: electrical restructuring: public benefit programs~~ *Internet broadband access.*

Under the Public Utilities Act, the Public Utilities Commission has the authority to regulate public utilities, including telecommunications.

Existing law does not address nondiscriminatory access to the Internet through wireline broadband Internet access transport providers.

This bill would enact the Internet Access Enhancement Act of 1999. The bill would require a wireline broadband Internet

access transport provider, as defined, to provide any other requesting Internet service provider, as defined, access to the broadband Internet access transport services of that transport provider, as prescribed.

~~(1) Existing law provides for various programs relating to telephone corporations to be administered by the Public Utilities Commission, and paid for in the utility rates authorized by the commission.~~

~~This bill would, under the Public Utilities Act, create 6 advisory boards to advise the commission regarding the implementation, development, and administration of specified programs, and to carry out the programs pursuant to the commission's direction, control, and approval. The bill would require the commission to determine the number and qualifications of the members of each advisory board, as specified, and would prescribe certain matters of organization and procedure for each advisory board. The bill would require the boards to submit an annual budget to the commission for approval, and a report describing the activities of the board, as prescribed. The bill would create a fund in the State Treasury for each advisory board. The bill would require telephone corporations to submit to the commission approved rate revenues for transfer by the commission to the Controller for deposit in the appropriate fund as created by the bill. The bill would require any unexpended revenues collected prior to the operative date of the bill to be deposited in the appropriate fund, as specified. The bill would require the commission to conduct financial audits of the revenues for each of the funds, and to conduct compliance audits with regard to each program, as specified. Because, under the act, a violation of those provisions would be a crime, the bill would impose a state-mandated local program by creating new crimes.~~

~~(2) The act requires the commission to order specified electrical corporations to collect and spend certain funds for prescribed public benefit programs. The act specifically requires cost-effective energy efficiency and conservation activities to be funded by San Diego Gas and Electric Company, Southern California Edison Company, and Pacific~~

~~Gas and Electric Company at specified levels, commencing January 1, 1998, through December 31, 2001.~~

~~The bill would require the Bureau of State Audits to conduct a performance and financial audit of the administration by the Department of Community Services and Development of existing federal programs and assessing the operational and fiscal capacity of the Department of Community Services and Development to assume the administration of specified low-income energy efficiency programs. The bill would require the bureau, on or before July 1, 2000, to prepare and submit to the Governor and the chairs of specified legislative committees a report of its audit findings. The bill would require the commission, if it requires low-income energy efficiency programs to be subject to competitive bidding, to consider as part of its bid evaluation criteria both cost-of-service and quality-of-service criteria. The bill would authorize the commission to modify its existing policies and procedures, and the entities with which it contracts, with regard to low-income energy efficiency programs, based on public input from a variety of sources, including, but not limited to, representatives from low-income communities. The bill would make related statements of legislative intent.~~

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.~~

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Chapter 1.5 (commencing with Section~~
- 2 ~~SECTION 1. Section 709.9 is added to the Public~~
- 3 ~~Utilities Code, to read:~~
- 4 ~~709.9. (a) This section shall be known, and may be~~
- 5 ~~cited, as the Internet Access Enhancement Act of 1999.~~

1 (b) As used in this section, the following terms have
2 the following meanings:

3 (1) “Affiliate” means a person who, directly or
4 indirectly, owns or controls, is owned or controlled by, or
5 is under common ownership or control with, another
6 person. For the purpose of this paragraph, the term
7 “own” means to own an equity or other financial interest,
8 or the equivalent thereof, of more than 10 percent or any
9 management interest.

10 (2) “Broadband” means having a capability in excess
11 of 144 kilobits per second.

12 (3) “Broadband Internet Access Transport service”
13 means the broadband transmission of data between a user
14 and his or her Internet service provider’s point of
15 interconnection with the broadband Internet access
16 transport provider’s facility.

17 (4) “Internet” means the global information system
18 that is logically linked together by a globally unique
19 address space based on the Internet Protocol (IP), or its
20 subsequent extensions; and is able to support
21 communications using the Transmission Control
22 Protocol/Internet Protocol (TCP/IP) suite, or its
23 subsequent extensions, or other IP-compatible protocols;
24 and provides, uses, or makes accessible, either publicly or
25 privately, high-level services layered on the
26 communications and related infrastructure described
27 herein.

28 (5) “Internet service provider” means a person or
29 entity that provides a service that enables users to access
30 content, information, electronic mail, or other services
31 offered over the Internet.

32 (6) “Wireline broadband Internet access transport
33 provider” means a person or entity that provides
34 broadband Internet access transport services, by aid of
35 wire, cable or other like connection, over facilities owned
36 by it or under its control, for a fee, directly or indirectly,
37 to the public. The term includes an Internet service
38 provider that self-provides, over facilities owned by it or
39 under its control, the wireline broadband transport of its
40 services between itself and its users.

1 (c) Each wireline broadband Internet access
2 transport provider that is, or is an affiliate of, an Internet
3 service provider shall provide any other requesting
4 Internet service provider access to its broadband
5 Internet access transport services. That access shall meet
6 all of the following requirements:

7 (1) The access shall be at least equal in quality to that
8 provided by the access provider to itself, its affiliates, or
9 any other party to which access is provided.

10 (2) The access shall be on rates, terms, and conditions
11 that are just, reasonable, and nondiscriminatory.

12 (3) The access shall be unbundled from any provision
13 of content.

14 (4) Access to services shall be at any technically
15 feasible point selected by the requesting Internet service
16 provider.

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<p>All matter omitted in this version of the bill appears in the bill as amended in the Senate, May 28, 1999 (JR 11)</p>

